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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91256189
Party	Plaintiff Apple Inc.
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Date	08/26/2021
Attachments	FRANKI PINEAPPLE - consented motion to amend specifications and conti ngent withdrawal of opposition.pdf(280037 bytes)

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Application Serial Nos. 88/546,728 and 88/546,733

For the Mark: **FRANKI PINEAPPLE**

Filed: July 29, 2019

Published: December 3, 2019

APPLE INC.,

Opposer,

v.

SIGNS IN THE NIGHT, LLC,

Applicant.

Opposition No. 91256189

**CONSENTED MOTION TO AMEND APPLICATIONS
AND CONTINGENT WITHDRAWAL OF NOTICE OF OPPOSITION**

Opposer Apple Inc. and Applicant Signs in the Night, LLC have resolved the current dispute related to Opposition No. 91256189 contingent upon the amendment of the identification of goods and services in Applicant's applications as detailed herein.

Accordingly, pursuant to 37 C.F.R. § 2.133, Applicant, with Opposer's consent, respectfully requests that its applications at issue in this Opposition, Serial Nos. 88/546,728 and 88/546,733, be amended as follows:

Mark	(Amendments shown in bold)	Clean version of amended description of goods and services
FRANKI PINEAPPLE Serial No. 88/546,728	9: Audio and video recordings featuring music and artistic performances by the musical artist Stephanie Carlisi, under her stage name Franki Pineapple; digital media, namely, recorded	9: Audio and video recordings featuring music and artistic performances by the musical artist Stephanie Carlisi, under her stage name Franki Pineapple; digital media, namely, recorded optical discs,

	optical discs, downloadable audio files, and downloadable video files featuring music and artistic performances by the musical artist Stephanie Carlisi, under her stage name Franki Pineapple.	downloadable audio files, and downloadable video files featuring music and artistic performances by the musical artist Stephanie Carlisi, under her stage name Franki Pineapple.
FRANKI PINEAPPLE Serial No. 88/546,733	41: Entertainment services in the nature of live musical performances by the musical artist Stephanie Carlisi, under her stage name Franki Pineapple	41: Entertainment services in the nature of live musical performances by the musical artist Stephanie Carlisi, under her stage name Franki Pineapple

Ms. Stephanie Carlisi is a musical artist who performs under the stage name “Franki Pineapple.” She is also the sole and managing member of Applicant, Signs in the Night, LLC, and signed the two applications at issue in this opposition. The proposed amendments identify that the applied-for goods and services pertain specifically to Ms. Carlisi as a musical artist, performing under her stage name, which narrow, rather than broaden, the scope of the goods and services. Therefore, the parties submit that the requested amendments do not require republication of Applicant’s applications.

In addition, the parties submit that the requested amendments are proper, as the USPTO has approved applications using similar language to identify the particular musical artist and his or her stage name to which the applied-for mark and goods and services pertain. For example, the mark SHURA is registered in Classes 9 and 41 (U.S. Reg. No. 5,624,976) and the specifications for those classes identify the musical artist Aleksandra Dento and her stage name “SHURA” with similar language, as noted below in blue highlight:



Proposed Amendments to Applications for FRANKI PINEAPPLE Word Marks	SHURA
<u>U.S. Serial No. 88/546,728</u> 9: Audio and video recordings featuring	<u>U.S. Reg. No. 5,624,976</u> 9: Prerecorded sound and video recordings

<p>music and artistic performances by the musical artist Stephanie Carlisi, under her stage name Franki Pineapple; digital media, namely, recorded optical discs, downloadable audio files, and downloadable video files featuring music and artistic performances by the musical artist Stephanie Carlisi, under her stage name Franki Pineapple.</p>	<p>featuring musical performances by the musical artist Aleksandra Denton, under her stage name SHURA, recorded on compact discs, audio cassettes, phonograph records, dvds, and featured in pre-recorded television programs and cinematographic films; downloadable prerecorded audio and video recordings in the nature of musical performances by the musical artist Aleksandra Denton, under her stage name SHURA; downloadable electronic publications, namely, newsletters, sheet music, and brochures featuring information about musical performances by the musical artist Aleksandra Denton, under her stage name SHURA; laser discs featuring prerecorded audio and visual recordings in the nature of musical performances by the musical artist Aleksandra Denton, under her stage name SHURA; interactive audio disks featuring musical performances by the musical artist Aleksandra Denton, under her stage name SHURA; all the foregoing goods in this class featuring musical performances by the musical artist Aleksandra Denton, under her stage name SHURA; none of the aforesaid goods featuring or relating to microphones, audio electronics, software, or apparatus for recording, transmission, or reproduction of sound or images.</p>
<p><u>U.S. Serial No. 88/546,733</u> 41: Entertainment services in the nature of live musical performances by the musical artist Stephanie Carlisi, under her stage name Franki Pineapple</p>	<p><u>U.S. Reg. No. 5,624,976</u> 41: Entertainment in the nature of live musical performances by the musical artist Aleksandra Denton, under her stage name SHURA; providing online entertainment, namely, providing non-downloadable sound and video recordings in the field of music and music based entertainment by the musical artist Aleksandra Denton, under her stage name SHURA; entertainment services, namely, providing online non-downloadable pre- recorded musical sound and video recordings via a global computer network by</p>

	<p>the musical artist Aleksandra Denton, under her stage name SHURA; fan clubs; radio entertainment production; distribution of radio programs; record production; entertainment in the nature of ongoing television programs in the field of music and entertainment; entertainment, namely, a continuing music and entertainment show distributed over television, satellite, audio, and video media; publication of books and magazines; entertainment in the nature of ongoing radio programs in the field of music; entertainment in the nature of live concerts and performances by the musical artist Aleksandra Denton, under her stage name SHURA; entertainment services, namely, personal appearances by musical groups, musical artists and celebrities; entertainment services in the nature of providing an ongoing television and radio program featuring performances rendered by musical artist Aleksandra Denton, under her stage name SHURA; entertainment services, providing live singing performances and song writing by the musical artist Aleksandra Denton, under her stage name SHURA; all the foregoing services in this class featuring the musical artist Aleksandra Denton, under her stage name SHURA; none of the aforesaid goods featuring or relating to microphones, audio electronics, software, or apparatus for recording, transmission, or reproduction of sound or images.</p>
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Further, the parties note that the USPTO has approved similar amendments to the Class 9 and 41 specifications of goods and services for Applicant's FRANKI PINEAPPLE & Design applications, as shown below:

Mark	Amended Specifications Accepted by the USPTO (accepted amendments indicated in bold)
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<p>FRANKI PINEAPPLE & Design U.S. Serial No. 88/806,485 (allowed 2/16/21)</p> 	<p>9: Audio and video recordings featuring music and artistic performances by Stephanie Carlisi under the stage name Franki Pineapple; digital media, namely, recorded optical discs, downloadable audio files, and downloadable video files featuring music and artistic performances by Stephanie Carlisi under the stage name Franki Pineapple.</p>
<p>FRANKI PINEAPPLE & Design U.S. Serial No. 88/806,489 (allowed 2/16/21)</p> 	<p>41: Entertainment services in the nature of live musical performances by Stephanie Carlisi under the stage name Franki Pineapple; audio recording and production; film and video production; entertainment services, namely, non-downloadable ringtones, pre-recorded music, and graphics presented to mobile communications devices via a global computer network and wireless networks; entertainment services, namely, providing non-downloadable prerecorded music, information in the field of music, and commentary and articles about music, all on-line via a global computer network; providing a website featuring non-downloadable audio recordings, video recordings, photographs, graphics and information in the field of music and entertainment; providing a website featuring blogs and non-downloadable publications in the nature of articles in the field of music and entertainment; provision of information relating to live performances, road shows, live stage events, theatrical performances, live music concerts and audience participation in such events; organizing, arranging and conducting of concerts and musical entertainment events; arranging of contests; fan clubs; production of podcasts; all such services relating to live music or artistic performances by Stephanie Carlisi under the stage name Franki Pineapple.</p>

Contingent upon the Board's approval of these amendments, Opposer withdraws its Notice of Opposition in this proceeding. This withdrawal is made without prejudice and with Applicant's written consent, as reflected below.

Respectfully submitted,

August 26, 2021

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**UNITED STATES PATENT AND TRADEMARK OFFICE
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Opposition No. 91256189

CERTIFICATE OF TRANSMITTAL

I hereby certify that a true copy of the foregoing CONSENTED MOTION TO AMEND APPLICATIONS AND CONTINGENT WITHDRAWAL OF NOTICE OF OPPOSITION is being filed electronically with the TTAB via ESTTA on August 26, 2021.

/Rita Weeks/
Rita Weeks

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2021, a true and correct copy of the foregoing
CONSENTED MOTION TO AMEND APPLICATIONS AND CONTINGENT
WITHDRAWAL OF NOTICE OF OPPOSITION is being served on Applicant's Attorney of
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